

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-00081

KIMBERLY MCCOY

MEMORANDUM OPINION AND ORDER

Sentencing in this matter is currently scheduled for August 29, 2018. In connection with defendant's sentencing, the court received a letter from Cameron Hatfield, dated July 23, 2018, in which Mr. Hatfield asserts that both he and Riverside Pharmacy, which he owns, are victims of defendant's crime. The court forwarded Mr. Hatfield's letter to the United States Probation Office to be considered in the preparation of defendant's Presentence Investigation Report ("PSR").

"Federal courts do not have the inherent authority to order restitution, but must rely on a statutory source to do so." United States v. Freeman, 741 F.3d 426, 431 (4th Cir. 2014) (quoting United States v. Davis, 714 F.3d 809, 812 (4th Cir. 2013)). Deeming it proper to do so, the court hereby **ORDERS** the parties to file a short memorandum addressing the following:

1. The court's ability, if any, to enter an order of restitution in this case; and
2. If the court has the authority to award restitution, should it enter an order of restitution payable to Mr. Hatfield and/or Riverside Pharmacy.

These memoranda should be filed within fourteen (14) days of entry of this Memorandum Opinion and Order. The parties may obtain a copy of Mr. Hatfield's letter from the Probation Office. The sentencing hearing in this matter is **CONTINUED** to Tuesday, October 2, 2018, at 10:00 a.m., in Charleston.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, to the Probation Office of this court, and to Cameron Hatfield, 2163 Clear Fork Road, Clear Fork, West Virginia, 24822.

IT IS SO ORDERED this 27th day of August, 2018.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge